

ANGINO LAW FIRM, P.C.

Richard C. Angino, Esquire

I.D. No. 07140

4503 North Front Street

Harrisburg, PA 17110-1708

(717) 238-6791 FAX (717) 238-5610

E-MAIL: **RCA@ANGINOLAW.COM**

Attorneys for Plaintiff(s)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GLORIA L. TROSTLE, Individually
and as Administratrix of and the
ESTATE OF DAVID A. TROSTLE,
deceased

Plaintiffs

v.

CENTERS FOR MEDICARE AND
MEDICAID SERVICES

Defendant

CIVIL ACTION - LAW

JUDGE WILLIAM W. CALDWELL

NO. 1:16-CV-00156-WWC

JURY TRIAL DEMANDED

ELECTRONICALLY FILED

Plaintiff's Response to Defendant's Motion to Dismiss

AND NOW, comes the Plaintiff, Gloria L. Trostle, by her attorney, the
Angino Law Firm, and in response to Defendant's Motion to Dismiss avers:

1. The Court has jurisdiction over Plaintiff's suit because it is grounded in breach of contract and, therefore, is separate from the administrative remedies.

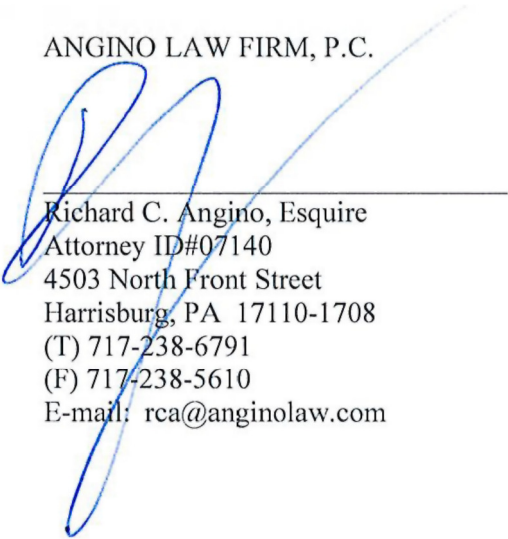
2. Plaintiff may sue individually as the wife of David A. Trostle and as Administratrix of the Estate of David A. Trostle, deceased.

WHEREFORE, the Plaintiff respectfully requests that the Court deny the Defendant's Motion to Dismiss.

Respectfully submitted,

ANGINO LAW FIRM, P.C.

Date: June 30, 2016




Richard C. Angino, Esquire
Attorney ID#07140
4503 North Front Street
Harrisburg, PA 17110-1708
(T) 717-238-6791
(F) 717-238-5610
E-mail: rca@anginolaw.com

Certificate of Service

I, Bonny R. Ellis, an employee of the Angino Law Firm, P.C. hereby certify that the foregoing document was electronically filed with the Clerk of the Court for the United States District for the Middle District of Pennsylvania using the CM/ECF system with electronic notice upon the following:

D. Brian Simpson, Esq.
Assistant U.S. Attorney
228 Walnut St.
Harrisburg, PA 17108
D.Brian.Simpson@usdoj.gov



Bonny R. Ellis, Legal Secretary

Dated: June 30, 2016